

**NO. 12-13-00060-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

<i>DANNY DALE WEISINGER, SR., APPELLANT</i>	§	<i>APPEAL FROM THE 349TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS, APPELLEE</i>	§	<i>HOUSTON COUNTY, TEXAS</i>

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**MEMORANDUM OPINION  
PER CURIAM**

We have previously issued an opinion and judgment in this appeal. *See Weisinger v. State*, No. 12-13-00060-CV, 2013 WL 1167208 (Tex. App.–Tyler Mar. 20, 2013, no pet. h.) (mem. op.) (per curiam). Appellant Danny Dale Weisinger, Sr. filed a motion for rehearing, and we requested, but did not receive, a response to the motion. Appellant has now filed a motion to withdraw the appeal. *See* TEX. R. APP. P. 42.1(a)(1). In the motion, Appellant states that he no longer wishes to pursue the appeal. Accordingly, we grant Appellant’s motion, withdraw his motion for rehearing, withdraw our March 20, 2013 opinion and judgment, and *dismiss* this appeal. *See* TEX. R. APP. P. 19.1; 42.1(c), (d); 42.2(a); *see also Eden Cooper, LP. v. City of Arlington*, No. 02-11-00439-CV, 2012 WL 5869572, at \*1 (Tex. App.–Fort Worth Nov. 21, 2012, no pet.) (mem. op) (per curiam) (granting motion to dismiss appeal after filing motion for rehearing).

Opinion delivered March 31, 2014.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

MARCH 31, 2014

NO. 12-13-00060-CV

**DANNY DALE WEISINGER, SR.,**  
Appellant  
V.  
**THE STATE OF TEXAS,**  
Appellee

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Appeal from the 349th District Court  
of Houston County, Texas (Tr.Ct.No. 03CR-035)

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THIS CAUSE came on to be heard on the motion of the Appellant to dismiss the appeal herein, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that Appellant's motion for rehearing be withdrawn, our March 20, 2013 opinion and judgment be withdrawn, that the appeal be **dismissed**, and that this decision be certified to the court below for observance.

By *per curiam* opinion.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*